

**SENATE JOURNAL
65TH LEGISLATURE
TWENTIETH LEGISLATIVE DAY**

Helena, Montana
January 27, 2017

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Wolken. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/27/2017

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh, twelfth, thirteenth, fourteenth, and fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 34, SB 89, SB 103, SB 115, SB 124, SB 127, SB 129, SB 156, SB 157, SB 158, SB 159, SR 20, SR 21, HB 40, HB 74, HB 113.**

Transmitted to the House: **SB 7, SB 11, SB 127, SB 131.**

Senator Blasdel thanked the Pages for their service this week.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/27/2017

HB 16, be concurred in.

HB 25, be concurred in.

JUDICIARY (Regier, Chair): 1/27/2017

SB 64, introduced bill, be amended as follows:

1. Page 1, line 23.

Following: "parole"

Insert: "consisting of three members"

2. Page 10, line 17.

Strike: "or"

3. Page 10, line 18.

Following: "absconding"

Insert: "; or

(e) failure to enroll in or complete a required sex offender treatment program or a treatment program designed to treat violent offenders"

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4. Page 11, line 5.

Following: "law,"

Insert: "law enforcement,"

And, as amended, do pass.

SB 113, do pass.

SB 118, introduced bill, be amended as follows:

1. Page 9, line 7.

Strike: "[Section 4]"

Insert: "[section 5]"

And, as amended, do pass.

SB 123, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/26/2017

HB 89, introduced by K. Dudik

HB 101, introduced by W. McKamey

HB 162, introduced by R. Peppers

HB 177, introduced by J. Ellis

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 160, introduced by M. Caferro, E. McClafferty, referred to Public Health, Welfare and Safety.

SB 161, introduced by R. Webb, referred to Fish and Game.

SB 162, introduced by K. Regier, referred to Finance and Claims.

SB 163, introduced by K. Regier, referred to State Administration.

SB 164, introduced by K. Regier, referred to Energy and Telecommunications.

SB 165, introduced by D. Salomon, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 89, introduced by K. Dudik (by request of the Task Force on State Public Defender Operations), referred to Judiciary.

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HB 101, introduced by W. McKamey (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 162, introduced by R. Peppers, referred to State Administration.

HB 177, introduced by J. Ellis, referred to Public Health, Welfare and Safety.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 127 - Senator Moe moved **SB 127** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 67 - Senator Wolken moved **SB 67** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

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Absent or not voting: None.

Total 0

Excused: Howard.

Total 1

SB 71 - Senator Gross moved **SB 71** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Howard.

Total 1

SB 107 - Senator Kary moved **SB 107** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Howard.

Total 1

SJ 3 - Senator Wolken moved **SJ 3** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

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Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 82 - Senator Olszewski moved **SB 82** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 100 - Senator C. Smith moved **SB 100** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moe, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.
Total 15

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Absent or not voting: None.

Total 0

Excused: Howard.

Total 1

HB 39 - Senator Swandal moved **HB 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Howard.

Total 1

HB 42 - Senator Cohenour moved **HB 42** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Howard.

Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

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Chair R. Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

MOTIONS

Majority Leader Thomas moved the Senate suspend rules S40-40 and S50-190 for the purpose of placing **SB 127** on third reading this date. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 89 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Howard.

Total 1

SB 103 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Howard.

Total 1

SB 127 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Howard.

Total 1

SPECIAL ORDERS OF THE DAY

Senator Mary Moe resigned her seat Tuesday, January 24, 2017, and today is her last day in the Senate. President Sales spoke of serving with Senator Moe and wished her well. Senator Moe addressed the Senate and remembered her experiences in office.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, January 30, 2017, the 21st legislative day. Motion carried.

Senate adjourned at 2:32 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate